

March 29, 2009

Ms. Sue McConnell
Chief, Storm Water Compliance and Enforcement Unit
California Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114

Re: Draft Cleanup and Abatement Order, Rubicon Trail, El Dorado County

Dear Ms. McConnell:

As a resident of El Dorado County, I commend the Regional Water Quality Control Board, Central Valley Region (Board) for drafting the Cleanup and Abatement Order (Order) for the Rubicon Trail. I ask that the Board issue the Order to the El Dorado County Department of Transportation (Discharger) without weakening or deleting any terms of the Draft Order.

As a professional in a natural resource field, I recognize that the Board has drafted a well-constructed order that identifies documented environmental impacts and provides terms and conditions for addressing these impacts. The Board's effort to fulfill its charge of protecting waters of the U.S. and to comply with the Water Quality Control Plan for the Sacramento River Basin and the San Joaquin River Basin (Basin Plan) is laudable.

The Order states that El Dorado County has not adequately managed the Rubicon Trail and that "...this mismanagement has resulted in sediment and other waste discharges to waters of the state, human sanitation problems, soil contamination of metals, and water contamination of petroleum-based fluids." This mismanagement places El Dorado County in non-compliance with the beneficial uses and water quality objectives of the Basin Plan.

The Order also states that the Discharger has informed the Board that work on the Draft Environmental Impact Report (EIR), also known as the Rubicon Trail Master Plan (RTMP), process has stopped because of budget constraints and that there are no plans to reinstate the process. If El Dorado County has not adequately managed the Rubicon Trail to date and has no money to complete the EIR/RTMP, then El Dorado County should close the Rubicon Trail until such time as they can complete the EIR/RTMP and manage the trail adequately including all mitigations and monitoring. In the absence of such a closure, the Order as presented in its draft form is critical in moving the Discharger toward more responsible management of the Rubicon Trail.

Coe and Hartzell (2009) reference Coe's thesis (2006), which found that estimated sediment production rates from the Rubicon Trail are 50 times greater than reported rates from native surface logging roads on adjacent forested lands. This information strongly suggests that with proper management under strict, enforced regulations, environmental impacts can be mitigated. The Discharger should be compelled to manage the Rubicon Trail to similar standards. The Order is an important step in forcing proper management.

I commend the Board for requiring a vehicle use reduction plan for the Rubicon Trail and request that the Board accept only a plan that restricts wheeled motorized use from no less than December 1 to April 30. Wet season closures help to protect against erosion, sedimentation, compaction, and rutting, all of which can result in changes to water movement. A seasonal closure on native surface roads has been implemented on adjacent National Forest System land and, during the first season of implementation, the closure needed to be extended for resource protection. The Discharger should not be allowed to operate the Rubicon Trail without a seasonal closure when its use impacts adjacent lands that are managed with a seasonal closure.

In fulfilling its regulatory obligations, the Board also would assist in minimizing impacts to other resources not under its domain. For example, Forest Service sensitive plant species can be impacted by erosion, sedimentation, compaction, and resulting changes in water movement. The extent of risk to these species is not known because the Rubicon Trail largely has not been surveyed for rare and sensitive plants. In addition, important communities such as mesic meadows and riparian habitats that do not qualify as jurisdictional wetlands would benefit by the Order.

In summary, I commend the Board for the draft Order. I request that the Board issue the Order to the Discharger without weakening any terms and I request that the Board approve a vehicle use reduction plan that restricts wheeled motorized use from December 1 to April 30.

Sincerely,

//s// Susan Durham

Susan Durham

/sd

References:

Coe, D.B.R. 2006. Sediment production and delivery from forest roads in the Sierra Nevada, California. MSc. Thesis. Colorado State University, Fort Collins, CO. 110 p.

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Coe, D. and M. Hartzell. 2009. Assessment of sediment delivery from the Rubicon Jeep Trail. Central Valley Regional Water Quality Control Board. Sacramento Office, Rancho Cordova, CA.